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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/539,902	06/16/2005	Yasser Alsafadi	US0202606	6555

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EXAMINER

OLSEN, LIN B

ART UNIT	PAPER NUMBER
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3661

MAIL DATE	DELIVERY MODE
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02/05/2009

PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary	Application No.		Applicant(s)	
	10/539,902		ALSAFADI ET AL.	
	Examiner		Art Unit	
	LIN B. OLSEN		3661	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 16 June 2005.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-15 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-15 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☒ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 16 June 2005 is/are: a) ☐ accepted or b) ☒ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☒ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some * c) ☐ None of:
1. ☒ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413) |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date. _____. |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| Paper No(s)/Mail Date _____. | 6) <input type="checkbox"/> Other: _____. |

DETAILED ACTION

This action is in response to the filing of June 16, 2005 of an application containing 15 claims with claims 1 and 12 being independent.

Priority

Receipt is acknowledged of papers submitted under 35 U.S.C. 119(a)-(d), which papers have been placed of record in the file.

Information Disclosure Statement

The information disclosure statement (IDS) submitted on 6/16/2005 was filed before the mailing date of the first action on the merits. The submission is in compliance with the provisions of 37 CFR 1.97. Accordingly, the information disclosure statement is being considered by the examiner.

Oath/Declaration

The oath or declaration is defective. A new oath or declaration in compliance with 37 CFR 1.67(a) identifying this application by application number and filing date is required. See MPEP §§ 602.01 and 602.02.

The oath or declaration is defective because:
It does not identify the citizenship of each inventor.

A supplemental oath or declaration is required under 37 CFR 1.67. The new oath or declaration must properly identify the application of which it is to form a part, preferably by application number and filing date in the body of the oath or declaration. See MPEP §§ 602.01 and 602.02.

Drawings

The drawings are objected to as failing to comply with 37 CFR 1.84(p)(4) because:

Reference character 20 has been used to designate both selectable icons in paragraph 20 and RSL file in Fig. 2 and

Reference character 25 has been used to designate both an icons in Fig 1 and audio system in Fig. 2.

Reference character 38 has been used to designate both a selected icon in Fig. 1 and an unexplained control box after element 34 in Fig. 2.

Reference character 36 has been used to designate both a selected icon in Fig. 1 and an unexplained control box in Fig. 2

Reference character 35 has been used to designate both selectable icons in paragraph 20 and robot hardware handler in paragraph 39

The drawings are objected to as failing to comply with 37 CFR 1.84(p)(5) because they do not include the following reference sign(s) mentioned in the description:

Fig. 1 reference sign 20 (selectable icons) mentioned in paragraph 20 and

Robot hardware handler 35 mentioned in paragraph 39.

Corrected drawing sheets in compliance with 37 CFR 1.121(d) are required in reply to the Office action to avoid abandonment of the application. Any amended replacement drawing sheet should include all of the figures appearing on the immediate prior version of the sheet, even if only one figure is being amended. Each drawing sheet

submitted after the filing date of an application must be labeled in the top margin as either "Replacement Sheet" or "New Sheet" pursuant to 37 CFR 1.121(d). If the changes are not accepted by the examiner, the applicant will be notified and informed of any required corrective action in the next Office action. The objection to the drawings will not be held in abeyance.

The drawings are objected to as failing to comply with 37 CFR 1.84(p)(5) because they include the following reference character(s) not mentioned in the description: Fig. 2: - 32, 36, 38,

The drawings are objected to because none of the blocks are labeled, and as such the drawings do not aid in understanding the invention.

Corrected drawing sheets in compliance with 37 CFR 1.121(d), or amendment to the specification to add the reference character(s) in the description in compliance with 37 CFR 1.121(b) are required in reply to the Office action to avoid abandonment of the application. Any amended replacement drawing sheet should include all of the figures appearing on the immediate prior version of the sheet, even if only one figure is being amended. Each drawing sheet submitted after the filing date of an application must be labeled in the top margin as either "Replacement Sheet" or "New Sheet" pursuant to 37 CFR 1.121(d). If the changes are not accepted by the examiner, the applicant will be notified and informed of any required corrective action in the next Office action. The objection to the drawings will not be held in abeyance.

Specification

The disclosure is objected to because of the following informalities: The specification does not incorporate all of the required section headings. .

Appropriate correction is required.

The following guidelines illustrate the preferred layout for the specification of a utility application. These guidelines are suggested for the applicant's use.

Arrangement of the Specification

As provided in 37 CFR 1.77(b), the specification of a utility application should include the following sections in order. Each of the lettered items should appear in upper case, without underlining or bold type, as a section heading. If no text follows the section heading, the phrase "Not Applicable" should follow the section heading:

- (a) TITLE OF THE INVENTION.
- (b) CROSS-REFERENCE TO RELATED APPLICATIONS.
- (c) STATEMENT REGARDING FEDERALLY SPONSORED RESEARCH OR DEVELOPMENT.
- (d) THE NAMES OF THE PARTIES TO A JOINT RESEARCH AGREEMENT.
- (e) INCORPORATION-BY-REFERENCE OF MATERIAL SUBMITTED ON A COMPACT DISC.
- (f) BACKGROUND OF THE INVENTION.
 - (1) Field of the Invention.
 - (2) Description of Related Art including information disclosed under 37 CFR 1.97 and 1.98.
- (g) BRIEF SUMMARY OF THE INVENTION.
- (h) BRIEF DESCRIPTION OF THE SEVERAL VIEWS OF THE DRAWING(S).
- (i) DETAILED DESCRIPTION OF THE INVENTION.
- (j) CLAIM OR CLAIMS (commencing on a separate sheet).
- (k) ABSTRACT OF THE DISCLOSURE (commencing on a separate sheet).
- (l) SEQUENCE LISTING (See MPEP § 2424 and 37 CFR 1.821-1.825. A "Sequence Listing" is required on paper if the application discloses a nucleotide or amino acid sequence as defined in 37 CFR 1.821(a) and if the required "Sequence Listing" is not submitted as an electronic document on compact disc).

The disclosure is objected to because of the following informalities: In Paragraph 40, the relationship between audio and video files and audio and video presentation mechanisms are twisted – elements 24 and 25 should be one of these and 29 and 29 the other.

Appropriate correction is required.

Claim Objections

Claims **3 and 6** are objected to because of the following informalities:

In **claim 3**, “(20)” should be (22);

In **claim 6**, when more than one behavior template is associated with a defined behavior, there is no mention of how to select a template for supplying the low-level language statements.

Appropriate correction is required.

Claim Rejections - 35 USC § 112

The following is a quotation of the first paragraph of 35 U.S.C. 112:

The specification shall contain a written description of the invention, and of the manner and process of making and using it, in such full, clear, concise, and exact terms as to enable any person skilled in the art to which it pertains, or with which it is most nearly connected, to make and use the same and shall set forth the best mode contemplated by the inventor of carrying out his invention.

Claims **9, 11 and 14 - 15** are rejected under 35 U.S.C. 112, first paragraph, as failing to comply with the written description requirement. The claim(s) contains subject matter which was not described in the specification in such a way as to reasonably

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convey to one skilled in the relevant art that the inventor(s), at the time the application was filed, had possession of the claimed invention.

Claims 9 and 14 - 15 recite respectively “first high-level description file” and “second high-level description file”. These files are not described in the specification.

In **claim 11**, there is no explanation of how to combine the audio/video with the robotic commands.

The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

Claim **13** is rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

Claim 13 recites “means for searching said plurality of behavioral templates (22) for each selected behavior to locate a behavior template matching said selected behavior.” In paragraph 23, of the printed publication of the application, the spec teaches that the RBL templates exist in a many-to-one relationship with the RSL commands. The specification does not teach how to select one behavioral template from the many to apply for a particular behavior.

Claim Rejections - 35 USC § 103

The factual inquiries set forth in *Graham v. John Deere Co.*, 383 U.S. 1, 148 USPQ 459 (1966), that are applied for establishing a background for determining obviousness under 35 U.S.C. 103(a) are summarized as follows:

1. Determining the scope and contents of the prior art.
2. Ascertaining the differences between the prior art and the claims at issue.
3. Resolving the level of ordinary skill in the pertinent art.
4. Considering objective evidence present in the application indicating obviousness or nonobviousness.

This application currently names joint inventors. In considering patentability of the claims under 35 U.S.C. 103(a), the examiner presumes that the subject matter of the various claims was commonly owned at the time any inventions covered therein were made absent any evidence to the contrary. Applicant is advised of the obligation under 37 CFR 1.56 to point out the inventor and invention dates of each claim that was not commonly owned at the time a later invention was made in order for the examiner to consider the applicability of 35 U.S.C. 103(c) and potential 35 U.S.C. 102(e), (f) or (g) prior art under 35 U.S.C. 103(a).

Claims **1-10** and **12-15** are rejected under 35 U.S.C. 103(a) as being unpatentable over PCT Printed Publication WO 02/29715 to Kent Ridge (Kent Ridge). Kent Ridge uses mark up language to program the behavior of synthetic creatures which include robots.

Regarding independent **claims 1 and 12** which are method and systems claims that correspond to each other, "A computer-implemented method for controlling a robot (41), the method comprising the steps of:" – On page 1 lines 18-21, Kent Ridge

identifies the synthetic characters as graphical or digital characters, toys, interactive toys, robots, and industrial robots

“(a) supplying a first set of programming statements (20) defining behaviors to be performed by said robot (41) as a first input to a transformation engine (26);” -

Referencing Fig. 1 and page 10 lines 8-10, a child non-programmer creates an SBML program that is validated by the Validating XML parser. – yielding a SBML object tree.

“(b) supplying a second set of programming statements (22) organized as a plurality of behavioral templates defining rules for interpreting said behaviors as a second input to said transformation engine (26); and

(c) transforming, in said transformation engine (26), said behaviors in accordance with said defined rules to yield a third set of robotic programming statements (30) for directly controlling said robot (41).” – In Fig. 1, the SBML object tree is processed by one of the platform code generators. Since Kent Ridge has already stated that the development is in extended XML, it is logical that these code generators comprise templates and transform engines to work on the templates to generate the programming code. See Page 16, line 29-34 and Fig. 5 which shows how the template for the Alice Python code generator would be structured.

Regarding **claim 2**, which is dependent on claim 1, “wherein said first set of programming statements (20) are written in a first high-level programming language.” - At page 4, line 15-17 – Kent Ridge identifies the invention as a programming means for

specifying behavior of synthetic creatures in a high-level markup language. This is reinforced at page 16 lines 14-15.

Regarding **claim 3**, which is dependent on claim 1, “wherein said second set of programming statements (20) are written in a second high-level programming language.” – As shown in Fig. 5, the second set of programming statements are written in a second high-level language.

Regarding **claims 4 and 5**, which are dependent on claims 2 and 3 respectively, “wherein said first set of programming statements are in the form of an extensible markup language (XML) and the second set of programming statements are in the form of an extensible stylesheet language (XSL).” - At page 15, line 40, Kent Ridge states that the preferred implementation of its method is in XML using a Document Type Definition as shown in Table 2. Col. 1 line 57 to col. 2 line 13 of U.S. Patent No. 6,589,291 to Boag et al. is referenced to show that stylesheets and an extensible stylesheet language was well known at the time of the invention.

Regarding **claim 6** which is dependent on claim 1, “wherein one of said defined behaviors from said first set of programming statements (20) is associated with one or more of said plurality of behavioral templates from said second set of programming statements (22).” – See Fig. 1 where there are 3 code generators each having at least one behavior template for each behavior of the first set of programming statements.

Regarding **claim 7** which is dependent on claim 1, "wherein said third set of robotic programming statements (30) are written in a low-level robotic hardware language directly executable by said robot (41)." – See page 16 lines 36-40, where the code generators are used to generate low-level code for the particular implementation

Regarding **claim 10** which is dependent on claim 1, "wherein said first set of programming statements (20) collectively comprise a robotic presentation (40) to be performed by said robot (41)." – See page 11, lines 14-16 where the language is listed as being for creating, and replaying stories in disparate mediums.

Claims 8-9 and 13-15 are rejected for incorporating the above errors from the parent claims by dependency.

Conclusion

The prior art made of record and not relied upon is considered pertinent to applicant's disclosure. U.S. Patent No. 6,285,380 to Perlin et al. for XML scripting of animated actors, U.S. Patent No. 6,522,950 to Conca et al. for off-line programming of industrial robots, U.S. Patent No. 6,889,118 to Murray IV et al. for hardware abstraction layer for robots, U.S. Patent No. 7,124,356 to Alsafadi et al. for Using XML documents to specify actions of intelligent devices, and Robotic Markup Language (RoboML) at <http://xml.coverpages.org/roboML.html> Feb 2, 2001 for using XML to express robot actions.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to LIN B. OLSEN whose telephone number is (571)272-9754. The examiner can normally be reached on Mon - Fri, 8:30 -5.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Thomas G. Black can be reached on 571-272-6956. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/Lin B Olsen/
Examiner, Art Unit 3661

/Thomas G. Black/
Supervisory Patent Examiner, Art Unit 3661